

### **AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes changes to Figure 2. Reference sign 35 and three lead lines have been added to Figure 2.

Attachment: Replacement sheet

## REMARKS

### *Status of the Claims*

Claims 1-21 are pending. Claims 13-17 are withdrawn from consideration.

### *Elections/Restrictions*

Applicants hereby confirm election of invention I, claims 1-12 and 18-21, drawn to a ridge vent.

### *Interview Summary*

The undersigned Applicants' representative would like to thank Examiner Eppes for his helpful comments and suggestions during the telephone interview conducted with Applicants' representative on August 26, 2007.

Pursuant to 37 C.F.R. § 1.133(b), the following description is submitted as a complete written statement of the reasons presented at the interview as warranting favorable action. The following statement is intended to comply with the requirements of MPEP § 713.04 and expressly sets forth: (A) a brief description of the nature any exhibit shown or any demonstration conducted; (B) identification of the claims discussed; (C) identification of specific prior art discussed; (D) identification of the principal proposed amendments of a substantive nature discussed; (E) the general thrust of the principal arguments; and (F) a general indication of any other pertinent matters; and (G) the general results or outcome of the interview, if appropriate.

(A) No exhibits were shown or demonstrations conducted.

(B) The pending claims were discussed generally, and independent claims 1 and 13 were discussed in particular.

(C) US Pat. 5,772,502 to *Smith* and US Pat. 5,651,734 to *Morris* were discussed.

(D) No proposed amendments were discussed.

(E) In response to the objection to the priority claim of the present application, Applicants' representative noted that Applicants do not claim priority to application Nos. 09/825,033 and 09/412,909. Instead, the patents issuing from these applications are merely

incorporated by reference. Further, Applicants' representative noted that the priority claims to application Nos. 10/293,376 and 10/421,193 are proper.

In response to the objection to the drawings, Applicants' representative stated that reference sign "35" would be added to the drawing figures.

In response to the rejection under 35 U.S.C. § 103(a) based on *Smith* and *Morris*, Applicants' representative argued that *Smith* and *Morris* are not properly combined as proposed in the rejection. Specifically, Applicants' representative noted that *Smith's* ridge vents 20 are intended to be laid end-to-end, while *Morris* discloses a continuous roller ridge vent that is cut to a specific length during installation. Applicants' representative argued that including cuts lines as disclosed in *Morris* in *Smith's* ridge vent, as set forth in the rejection, would serve no useful purpose. Applicants' representative further stated that cutting or scoring *Smith's* ridge vents 20 could instead cause leakage of the vents and/or a reduction in their rigidity, while providing no concomitant advantage in ease of installation, manufacture, or any other aspect taught in the prior art. Examiner Eppes responded that he could not ascertain any immediately apparent advantage in modifying *Smith* with *Morris's* teaching, and that he would further review the prior art to determine the propriety of the rejection.

(F) No other pertinent matters were discussed.

(G) It was agreed that a response would be submitted for Examiner's consideration, and that Examiner would further consider the rejections and cited art upon receiving the response.

### ***Priority***

The Examiner alleges that the present application is not co-pending with prior-filed nonprovisional application Nos. 09/825,033 and 09/412,909. Applicants respectfully traverse.

The present application is recited as a continuation-in-part of application No. 10/421,193, which is a continuation-in-part of application No. 10/293,376. The applications 09/825,033 and 09/412,909 cited in the Office Action are not, in fact, claimed as priority applications for the present application. Instead, the patents issuing from these applications are cited as related applications to which Applicants make no priority claim. Because there is no requirement for copendency when incorporating a patent by reference, Applicants

respectfully submit that the objection should be withdrawn.

### ***Drawings***

The Examiner objects to the drawings as failing to disclose reference sign 35. Reference sign 35 has been added to Figure 2, thereby obviating this objection.

The drawings are also objected to as including reference sign 47 that is not discussed in the specification, and because the reference sign 49 has been used to designate both a “tear line” and a “score”. This error is obviated by amending the reference to “tear line 49” in line 21 of page 25 of the specification to “tear line 47.” Accordingly, the specification now describes reference sign 47 as indicating a tear line in Figure 7, wherein the exemplary tear line 47 is a score indicated by reference number 49.

### ***Claim Rejections - 35 U.S.C. § 103***

Claims 1-4, 7-10, 18 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* (U.S. Pat. 5,772,502) in view of *Morris* (U.S. Pat. 5,651,734). Applicants respectfully traverse.

The Examiner states that *Smith* discloses a ridge vent having an elongated top panel with a central portion 36 and edges 24 and 26, wind baffles 82 and 84, and a plurality of ribs 66. *Smith* fails to disclose “at least one score line” configured to “permit manual separation of said top panel” as recited in claim 1, or a “tear line formed in [a] top panel at a predetermined longitudinal location” as recited in claim 18. The Examiner addresses this deficiency by stating that *Morris* discloses a ridge vent with at least one score line disclosed as a “cut line” 24. The Examiner further states that it would have been obvious to include such a cut line in *Smith*’s ridge vent to render the ridge vent easier to install to a desired length.

Referring to Figure 1, *Smith* discloses a shingle-over ridge vent comprising a top panel portion 22 with a flexible midsection 36. Support means 52 support the top panel portion 22 above the roof 42. Each roof vent 20 includes a first end wall portion 110 and a second end wall portion 112 located at opposite ends of the roof vent 20. The end wall portions 110, 112 include flexible pleated midportions 114, 116, respectively, that flex inwardly when the ridge vent is placed on the roof 42. A first male coacting joining means 124 is located at one end of

the ridge vent 20, and a second, female coacting joining means 126 is located at the opposite end. When a first ridge vent 20 is laid end-to-end with a second ridge vent, the male joining means 124 of the first ridge vent engages the female joining means 126 of the second ridge vent.

*Morris* discloses a roller ridge vent 10 with a top panel 18 disclosed as “uninterrupted” (column 3, lines 1-4). The ridge vent 10 includes, along its edges, longitudinally extending segmented portions 22 defined by spaced transverse cut lines 24. These cut lines do *not* extend across the top panel. Instead, they extend only partially along the edges of the vent. During installation, a section of the ridge vent 10 is rolled out onto a roof, and the sides or edges of the vent 10 are sequentially separated at the cut lines 24. The resulting relatively short longitudinal edge sections 26 are then folded up beneath the top panel 18 into stacks that lift the top panel 18 above the roof. This process is repeated until the ridge vent 10 covers the length of the roof.

The Examiner alleges that it would have been obvious to include cut lines as shown in *Morris* in the ridge vent of *Smith*. *Smith*'s ridge vents 20, however, are designed to be laid end-to-end as discrete pieces. As discussed above, *Smith*'s ridge vents 20 include interacting male/female joining means 124, 126 that facilitate the end-to-end installation of the individual vents 20. The cuts 24 formed in *Morris*' vent 10 do not extend across the top panel of the *Morris* vent but instead are only clipped part way at intervals along the edges of the vent. They are used to facilitate progressive unrolling of the continuous vent 10 and, in the process, the accordion folding and sequential stacking of the sections 26 beneath the continuous top panel 18. Inclusion of such partial cuts along the edge portions of *Smith*'s vents 20 would not facilitate installation in any way, and, in fact would provide no useful function at all. To the contrary, cutting and/or scoring the edge portions of the *Smith* ridge vents 20 as taught by *Morris* would serve only to reduce the structural rigidity of the vents, and possibly cause them to leak, thereby destroying their function. If when combined, references produce an inoperative device, the references teach away from such combination. See *Tec Air, Inc. v. Denso Mfg. Michigan Inc.*, 52 USPQ 2d 1294, 1298 (Fed. Cir. 1999) (quoting *In re Sponnoble*, 160 USPQ 237, 244 (C.C.P.A. 1969)). Accordingly, one of ordinary skill in the art would not combine the teaching of *Morris* with *Smith*.

Because *Morris*' teaching is inappropriate in the ridge vents of *Smith*, Applicants assert that the combination of *Morris* and *Smith* is improper, and respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) based on *Morris* and *Smith*.

Claims 5, 6 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* in view of *Morris* as applied to claims 1-4, 7-10, 18 and 21, and further in view of *Hillstrom* (U.S. Pat. No. 6,560,906). Claims 11, 12 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* in view of *Morris* as applied to claims 1-4, 7-10, 18 and 21, and further in view of *Logan et al.* (U.S. Pat. No. 5,491,936). Applicants respectfully traverse.

As discussed above, *Morris* and *Smith* are not properly combined under 35 U.S.C. § 103(a). Neither *Logan* nor *Hillstrom*, alone or in combination, cure the deficiencies of *Smith* and *Morris* in disclosing the claimed invention. *Logan* and *Hillstrom* also fail to provide teaching that suggests that the combination of *Morris* and *Smith* is proper.

Applicants accordingly respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) based on *Morris*, *Smith*, *Logan*, and *Hillstrom*.

### ***Conclusion***

In view of the foregoing remarks, Applicants respectfully submit that the various rejections of the claims as set forth in the non-final Office Action of June 13, 2007 have been addressed and overcome.

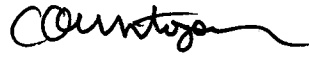
Applicants further submit that all claims are in condition for allowance and request that a Notice of Allowance be issued.

If issues may be resolved through an Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (404) 879-2443 is courteously solicited.

The Commissioner is hereby authorized to charge any fees due, or credit any overpayment, to Deposit Account No. **09-0528**.

Respectfully submitted,

Date: 10/3/07

  
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